

ARTICLE XII

GENERAL PROVISIONS

Publicity of Records

Section 114. Records and accounts of every office, department, or agency of the City shall be open for inspection and copying as provided by V.T.C.A., GOVERNMENT CODE, CH. 552, Public Information, as amended.

Personal Interest

Section 115. No member of the City Council or any officer or employee of the City shall have a financial interest direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City, or be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services except on behalf of the City as an officer or employee; provided, however, that the provisions of this section shall only be applicable when the stock owned by the officer or employee exceeds one (1) percent of the total capital stock of the corporation. Any willful violation of this section shall constitute malfeasance in office and any officer or employee guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the City Council or City Manager.

No Officer or Employee to Accept Gifts

Section 116. No officer or employee of the City of College Station shall ever accept, directly or indirectly, any gift, favor, privilege or employment from any public utility corporation enjoying the grant of any franchise, privilege or easement from the city during the term of office of such officer, or during the employment of such employee, except as may be authorized by law or ordinance; provided, however, that policemen and firemen in uniform or wearing their official badges may accept such free services where the same is permitted by ordinance. Any officer or employee of the City who shall violate the provisions of this section shall be guilty of a misdemeanor and may be punished by any fine that may be prescribed by ordinance for this offense, and shall forthwith be removed from office.

Relatives of Officers Shall Not be Appointed or Employed

Section 117. No person related within the second degree of affinity, or within the third degree of consanguinity, to members of the City Council or the City Manager shall be appointed to any office, position or service in the City.

Oath of Office

Section 118. Every officer of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Secretary:

“I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____, of the City of College Station, State of Texas, and will to the best of my ability preserve, protect and defend the constitution and laws of the United States and of this state and the charter and ordinances of this City; and I furthermore solemnly swear (or affirm) that I have not directly or indirectly paid, offered, or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward for the giving or withholding a vote at the election at which I was elected, or if the office is one of appointment, to secure my appointment. So help me God.”

Notice of Injury or Damage

Section 119. The City shall never be liable for any personal injury, whether resulting in death or not, unless the person injured, or someone in his behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall file a notice in writing with the City Secretary within ninety (90) days after the same has occurred, stating specifically in such notice when, where and how the exact injury occurred, the full extent of the injury, the amount of damages claimed or asserted, and a list of persons, if known, who witnessed the injury. The City shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in his behalf, shall file a claim in writing with the City Secretary within ninety (90) days after said damage or injury occurred, stating specifically when, where and how the damage or injury was sustained. The person giving notice under this Section shall subscribe his name to the notice under oath that the statements and facts contained in said notice are true and correct.

Power to Settle Claims

Section 120. The City Council shall have the power to compromise and settle any and all claims and lawsuits of every kind and character in favor of or against the City, including suits by the City to recover delinquent taxes.

Service of Process Against the City

Section 121. Legal process against the City shall be served upon the Mayor or Mayor Pro Tem.

City Not Required to Give Security or Execute Bond

Section 122. It shall not be necessary in any action, suit or proceeding in which the City of College Station is a party, for any bond, undertaking or security to be demanded or executed by or on behalf of the city in any of the state courts; but in all such actions, suits, appeals or proceedings, the same shall be conducted in the same manner as if such bond, undertaking or security had been given as required by law, and the City shall be just as liable as if security of bond had been duly executed.

Liens Against City Property

Section 123. No lien of any kind shall ever exist against any property, real or personal, owned by the City except that same be authorized by law, and created pursuant to an ordinance providing for such lien.

Provisions Relating to Assignment, Execution and Garnishment

Section 124. Property, real and/or personal, belonging to the City shall not be liable to be sold or appropriated under any writ of execution or cost bill. Funds belonging to the City, in the hands of any person, firm or corporation, shall not be liable to garnishment, attachment or sequestration; nor shall the city be liable to garnishment on account of any debt it may owe or funds or property it may have on hand or owing to any person. Neither the City nor any of its officers or agents shall be required to answer any such writ or garnishment on any account whatever. The city shall not be obligated to recognize any assignment of wages or funds by its employees, agents or contractors.

Power to Remit Penalties

Section 125. The City Council shall have the right to remit in whole or in part any fine or penalty belonging to the City which may be imposed under any ordinance or resolution passed in pursuance of this Charter.

Church and School Property Not Exempt From Special Assessments

Section 126. No property of any kind, church, school or otherwise, in the City of College Station shall be exempt from any of the special taxes and assessments authorized by this Charter for local improvements unless the exemption is required by state law.

Sale or Lease of Property Other Than Public Utilities or Acquired by Tax Sale

Section 127. Any real property owned by the City may be sold by the City Council when in its judgment such sale will be in the best interest of the City, subject to the provisions of V.T.C.A., LOCAL GOVERNMENT CODE, Chapter 272, Sale or Lease of Property by Municipalities, Counties, and Certain Other Local Governments, as amended, and such other laws as are applicable for Home Rule Cities pertaining to the necessity for public bids. The sale of land may be subject to referendum or initiative for a thirty-day period after the sale and shall not be effective until the expiration of said thirty-day period. If during such thirty-day period a referendum or initiative petition is presented to the City Secretary, which in all respects conforms to the referendum or initiative provisions of Article X of this Charter and the same is found sufficient, then the City Secretary shall certify the sufficiency of the same to the City Council and an election shall be called submitting the question of the sale of the property to the voters. This right of referendum or initiative shall not apply to public utilities or to property sold by the City at tax sales.

Effect of This Charter on Existing Law

Section 128. All ordinances, resolutions, rules and regulations now in force under the city government of the City of College Station and not in conflict with the provisions of this Charter shall remain in force under this charter until altered, amended or repealed by the City Council after this Charter takes effect; and all rights of the City of College Station under existing franchises and contracts are preserved in full force and effect to the City. When adopted, this Charter shall become the law of the City of College Station.

Continuance of Contracts and Succession of Rights

Section 129. All contracts entered into by the City of College Station prior to the taking effect of this charter shall continue in full force and effect. Public improvements for which legislative steps have been taken under laws or ordinances existing at the time this charter takes effect may be carried to completion in accordance with the provisions of such existing laws or ordinances.

All suits, taxes, penalties, forfeitures and all other rights, claims and demands which have accrued under the laws heretofore in force governing the City of College Station, shall belong to and be vested in and shall be prosecuted by and for the use and benefit of the corporation hereby created, and shall not in anywise be diminished, affected or prejudiced by the adoption and taking effect of this Charter.

Construction and Separability Clause

Section 130. This Charter shall be liberally construed to carry out its intents and purposes. If any section or part of any section of this Charter shall be held invalid by a court of competent jurisdiction, such holding shall not affect the remainder of this Charter nor the context in which such section or part of section so held invalid may appear, except to the extent that an entire section or part of section may be inseparably connected in meaning and effect with the section or part of section to which such holding shall directly apply.

Amending the Charter

Section 131. This Charter may be amended in accordance with the provisions of the statutes of the State of Texas.

Submission of the Charter to Electors

Section 132. The Charter commission in preparing this charter finds and decides that it is impracticable to segregate each subject so as to permit a vote of "yes" or "no" on the same, for the reason that the Charter is so constructed that in order to enable it to work and function it is necessary that it should be adopted in its entirety. For these reasons the Charter commission directs that the Charter be voted upon as a whole and that it shall be submitted to the qualified voters of the City of College Station at an election to be held for that purpose on January 8, 1952. If a majority of the qualified voters voting in such election shall vote in favor of the adoption of this Charter it shall become the charter of the City of College Station, and after the returns have been canvassed the same shall be declared adopted.

An official copy of the Charter shall be filed with the records of the City and the Mayor shall as soon as practicable certify to the Secretary of State an authenticated copy under the seal of the city, showing the approval by the qualified voters of such charter.

In not less than thirty (30) days prior to such election the City Council shall cause the City Secretary to mail a copy of this Charter to each qualified voter of the City of College Station as appears from the Tax Collector's roll for the year ending January 31 preceding said election.

Rearrangement and Renumbering

Section 133. The City Council shall have the power, by ordinance, to renumber and rearrange all articles, sections, and paragraphs of this Charter or any amendments thereto; and upon the passage of any such ordinance, a copy thereof, certified by the City Secretary, shall be forwarded to the Secretary of State for filing.

We, the undersigned members of the Charter Commission of the City of College Station, do hereby certify that this publication constitutes a true copy of the proposed charter of the City of College Station, Texas.